

### REMARKS / DISCUSSION OF ISSUES

Claims 1-61 are pending. Claims 1-3, 52-54, and 55-58 stand rejected. Claims 4-51, 55, and 59 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 1 and 60 are independent.

Claims 1-61 are amended for non-statutory purposes, for example, to remove figure label numbers. No new subject matter is added.

#### Claim Objections

On page 2 of the non-final Office action the claims 1-61 are objected to because the numbers in parenthesis in the claims should be deleted. The Office action also notes that claims 60 and 61 would be allowable if the numbers in the parenthesis are deleted.

The Applicant herein removes the numbers in parenthesis in claims 1-61 and respectfully requests this objection to the claims listed on page 2 be withdrawn. Furthermore, the Applicant acknowledges that both independent claim 60 and claim 61, which depends from claim 60, are in condition for allowance.

#### 35 U.S.C. §103

Claims 1-3, 52-54, and 55-58 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Salokannel et al. (US 7,245,947), hereinafter referred to as Salokannel, in view of Miklos et al. (US 2003/0016732), hereinafter Miklos. The Applicant respectfully traverses these rejections.

In re Wada and Murphy, Appeal 2007-3733, the BPAI stated that:

When determining whether a claim is obvious, an examiner must make “a searching comparison of the claimed invention – *including all its limitations* – with the teaching of the prior art.” *In*

*re Ochiai*, 71 F.3d 1565, 1572 (Fed. Cir. 1995) (emphasis added). Thus, “obviousness requires a suggestion of all limitations in a claim.” *CFMT, Inc. v. Yieldup Intern. Corp.*, 349 F.3d 1333, 1342 (Fed. Cir. 2003) (citing *In re Royka*, 490 F.2d 981, 985 (CCPA 1974)). Moreover, as the Supreme Court recently stated, “*there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.*” *KSR Int’l v. Teleflex Inc.*, 127 S. Ct. 1727, 1741 (2007) (quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006) (emphasis added)).

The Applicant’s claim 1 requires the following:

A method of decentralized medium access control in a communications network including at least one wireless device, comprising:

dividing time into a sequence of at least one superframe comprising at least one dynamic beacon period and at least one data transmission period, said dynamic beacon period having a predetermined maximum length and including a variable plurality of beacon slots;

beaconing by transmission of a beacon frame in a unique one of said plurality of beacon slots by every device in an awake state, said beacon frame including information; and

grouping said plurality of beacon slots into at least one contiguous dynamic beacon period. Emphasis added.

The Applicant has considered Salokannel and Miklos in their entirety and respectfully submit that the combination of the references does not adequately support the legal conclusion of obviousness for a rejection to claim 1 under 35 U.S.C. 103(a).

Salokannel relates to a method and system for power-based control of an ad hoc wireless communications network. (Title). The Office Action on page 3 concedes that Salokannel does not disclose the superframe comprising a dynamic beacon period, said dynamic beacon period having a predetermined maximum length and including a variable plurality of beacon slots, beaconing by transmission of a beacon frame in a unique one of said plurality of beacon slots by every device in an awake state, said beacon frame including information, and grouping said plurality of beacon slots into at least one contiguous dynamic

beacon period, and relies on Miklos as allegedly disclosing such features. The Applicant respectfully points out that Miklos does not disclose beaoning in a unique one of said plurality of beacon slots by every device in an awake state, and said beacon frame including information grouping said plurality of beacon slots into at least one contiguous dynamic beacon period.

Miklos relates to neighbor discovery in communications networks, made possible by a node sending beacon packets which include information regarding the node. The beacon packets are sent at pseudo-random times and on pseudo-random frequencies. (Abstract). The Office action alleges that Miklos at paragraphs [0042]-[0044] discloses the grouping of said plurality of beacon slots into at least one contiguous dynamic beacon period, as required by claim 1. The Applicant respectfully traverses the rejection of claim 1.

The cited portions of Miklos appear to describe a node's dynamic adaptation of the beacon period (paragraph [0042]) wherein a node may adjust the value of its beacon period dynamically. ([0043]). The node may increase the beacon period's value, decrease its value or stop sending a beacon. Miklos shows an equation for the beacon period utilizing the value in paragraph 21.

However, even if Miklos discloses a node's dynamically adjusting the value of its beacon period, the cited portions of Miklos do not at all disclose or even suggest the beaoning... in a unique one of said plurality of beacon slots by every device in an awake state, and grouping said plurality of beacon slots into at least one contiguous dynamic beacon period, as required by the Applicant's claim 1. In contrast, Miklos is only concerned with the value of a node's beacon period. Nowhere in Miklos' entire specification is there a suggestion of beaoning and grouping beacon slots into a contiguous dynamic beacon period, as more particularly recited in claim 1. In fact, Miklos does not even teach or suggest the notion of a beacon group. As such, Miklos does not teach or even suggest the features cited in the Office Action are rendering claim 1 obvious.

Accordingly, the Applicant respectfully maintains that the rejection of claim 1 under 35 U.S.C. 103(a) over the combination of Salokannel and Miklos is unfounded and should be withdrawn.

Dependent claims 2, 3, 52-54, and 55-58 ultimately depend from and incorporate by reference all the features of allowable independent parent claim 1. Furthermore, each dependent claim includes additional distinguishing features. For each dependent claim, the Applicant essentially repeats the above arguments from claim 1 and applies them to each respective dependent claim. Thus, each dependent claim is patentable for at least the same reasons discussed above with respect to its independent base claim, from which it depends, with each dependent claim containing further distinguishing patentable features.

It is respectfully submitted that the rejections to claims 1-3, 52-54, and 55-58 under 35 U.S.C. § 103(a) have been overcome. Hence, withdrawal of the rejections and early allowance of the claims are respectfully requested.

#### Conclusion

An earnest effort has been made to be fully responsive to the Examiner's correspondence and advance the prosecution of this case. In view of the foregoing, it is respectfully submitted that all the claims pending in this patent application are in condition for allowance.

If there are any errors with respect to the fees for this response or any other papers related to this response, the Director is hereby given permission to charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account No. 14-1270.

Respectfully submitted,

/Brian S. Myers/

By: Brian S. Myers  
Registration No.: 46,947  
973-401-7157